

IN RE: PETITION FOR SPECIAL HEARING *
Cor. SM/S Reisterstown Rd.
SE/S Greenspring Valley Road *
McDonogh Township, Section 7B
3rd Election District
3rd Councilmanic District
Signet Bank, Md., Legal Owner *
McDonogh Associates Ltd.
Partnership, Contract
Purchaser
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 92-429-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for Section 7B of that development known as the McDonogh Township. By their Petition, McDonogh Associates Limited Partnership seeks an amendment to the Final Development Plan of the aforementioned Section 7B. Representatives of McDonogh Associates Limited Partnership, as well as Signet Bank, from whom the partnership is purchasing the property, appeared at the hearing. They were represented by Jeffrey H. Scherr, Esquire. There were no Protestants present.

Dwight Little, a Civil Engineer from W. Duvall and Associates, appeared, testified and presented the plan. He noted that the proposed amendment to the Final Development Plan relates only to Section 7B. Section 7A is built out and occupied. Due to a change in the type of building intended for Section 7B, an amendment to the Final Development Plan is necessary. He presented Petitioner's Exhibit No. 1, the plan to accompany the Petition which clearly shows the proposed amendment. Several of the buildings are realigned and their locations altered. Also, the location of an 18 unit building has been flip-flopped with a 24 unit building. All in all, the changes are minor, when compared with the overall scheme of the development. Further, the proposed density for the project is less than what

would be allowable under the existing D.R.16 zoning. Lastly, Mr. Little testified that there would be no detrimental effect to the health, safety and general welfare of the community if the Petition was granted.

Also testifying was Mr. Alan Heller, a resident of the built-out portion of the development known as Section 7A. He appeared on behalf of the Condominium Association for McDonogh Township. He noted that his association had significant negotiations with the developer and that he was appearing in support of the Petition.

Based upon the uncontradicted testimony presented, it is clear that the Petition for Special Hearing should be granted. There is no evidence that the proposed amendment would be detrimental to the health, safety or general welfare of the locale involved. As indicated above, the changes are minor when compared with the scope and scheme of the development.

For the foregoing reasons, the Petition shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of June, 1992 that, pursuant to the Petition for Special Hearing, approval of an amendment to the Final Development Plan of McDonogh Township, Section 7B, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 22, 1992

Jeffrey H. Scherr, Esquire
6th floor, Sun Life Building
20th South Charles Street
Baltimore, Maryland 21201

RE: Petition for Special Hearing
Signet Bank, Md. Legal Owner
McDonogh Associates Limited Partnership, Contract Purchaser
Case No. 92-429-SPH

Dear Mr. Scherr:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been granted.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.
cc: Mr. Dwight Little
Mr. Alan Heller

ORDER RECEIVED FOR FILING
Date 6/23/92
By Mr. Scherr

ORDER RECEIVED FOR FILING
Date 6/23/92
By Mr. Scherr

ORDER RECEIVED FOR FILING
Date 6/23/92
By Mr. Scherr

-2-

-3-

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve this amendment to the Final Development Plan of McDonogh Township, Section 7B. (SEE ATTACHED)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Associates:

McDonogh Associates Limited Partnership

(Type or Print Name)

Signature: David E. Gonzales, Inc.

General Partner

Address

Phoenix, Maryland 21131

City and State

Attorney for Petitioner:

Jeffrey H. Scherr, Esquire

(Type or Print Name)

Signature: Jeffrey H. Scherr

Address

6th Floor, 6th Floor

20 South Charles Street

Address

Baltimore, Maryland 21201

City and State

Attorney's Telephone No.: 410-752-6030

Legal Owner(s):

Signet Bank, Maryland

(Type or Print Name)

Signature: Jeffrey B. Ferrilli, V.P.

General Partner

Address

Signature

7 St. Paul St., Code 2201-0404

Address

Baltimore, Maryland 21202

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Jeffrey H. Scherr, Esquire

Sun Life Building, 6th Floor

20 South Charles Street, Baltimore, Maryland

Address

410-752-6030

Phone No.

21201

City and State



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON-/TUES-/WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: [Signature] DATE: 5/1/92

Purchaser's proposed modifications to the Final Development Plan of Section 7B or McDonogh Township which will result in minor changes to the footprint of the condominium as shown on the existing Final Development Plan. Copies of the Plan with changes noted are attached hereto as Exhibit A.

Petitioner hereby represents to the Zoning Commissioner that the requested changes will not:

- (a) be detrimental to the health, safety, or general welfare of the locality involved; or
- (b) tend to create congestion in roads, streets or alleys therein; or
- (c) create a potential from fire, panic or other dangers; or
- (d) tend to overcrowd land and cause undue concentration of population; or
- (e) interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; or
- (f) interfere with adequate light and air; or
- (g) be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the Zoning Regulations of Baltimore County; or
- (h) be inconsistent with the impermeable surface and vegetative retention provisions of the Zoning Regulations of Baltimore County.

654/hta/mba/petition.7b

W. DUVAL & ASSOCIATES, INC.
Engineers • Surveyors • Land Planners

DESCRIPTION
SECTION 7 "McDONOGH TOWNSHIP"
3RD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point North 89 degrees 40 minutes 11 seconds West 76 feet from the centerline intersection of Reisterstown Road, future 100 feet wide and Greenspring Valley Road, variable width, all as shown on a plat entitled "Section 7 McDonogh Township" and recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. 53 Folio 116; thence running for the outline of Section 7, the following courses and distances, viz:

1. Binding on said right-of-way line of Reisterstown Road South 48 degrees 40 minutes 09 seconds East 952.39 feet; thence leaving said road
2. South 50 degrees 53 minutes 53 seconds West 759.56 feet; thence
3. South 86 degrees 21 minutes 13 seconds West 579.12 feet; thence
4. North 03 degrees 38 minutes 47 seconds East 50.00 feet; thence
5. North 35 degrees 53 minutes 10 seconds East 12.73 feet; thence
6. By a curve to the right having a radius of 700.00 feet and an arc length of 35.21 feet; thence
7. North 11 degrees 17 minutes 27 seconds West 237.23 feet; thence
8. By a curve to the left having a radius of 645.00 feet and an arc length of 155.14 feet; thence
9. North 25 degrees 04 minutes 18 seconds West 6.45 feet; thence
10. North 69 degrees 20 minutes 28 seconds West 14.32 feet; thence
11. North 23 degrees 13 minutes 06 seconds West 60.00 feet; thence
12. By a curve to the left having a radius of 670.00 feet and an arc length of 7.65 feet; thence
13. North 20 degrees 31 minutes 09 seconds East 14.29 feet; thence
14. North 62 degrees 47 minutes 32 seconds East 40.03 feet; thence
15. South 72 degrees 05 minutes 13 seconds East 14.63 feet; thence
16. By a curve to the left having a radius of 670.00 feet and an arc length of 228.82 feet; thence
17. North 41 degrees 19 minutes 49 seconds East 335.67 feet; thence
18. North 03 degrees 40 minutes 07 seconds West 14.14 feet; thence
19. North 41 degrees 19 minutes 49 seconds East 50.00 feet; thence
20. North 86 degrees 19 minutes 50 seconds East 14.14 feet; thence
21. North 41 degrees 19 minutes 49 seconds East 130.00 feet; thence
22. North 03 degrees 40 minutes 10 seconds West 28.28 feet to the point of beginning.

CONTAINING 19.2650 acres of land, more or less.



508 East Joppa Road / Towson, Maryland 21204 / (410) 885-0871

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 3rd
Date of Posting: 6/22/92
Posted for: Special Hearing
Petitioner: Legal Owners, Signet Bank, Inc. of Maryland
Location of property: Corner S.W. of Reisterstown Road, S.E. of Greenspring Valley Road, in McDonogh Township, Section 7B
Location of Sign: South side of Valley Road, near foot of Section 7B
Remarks:
Posted by: J. J. [Signature]
Number of Signs: 1
Date of return: 6/22/92

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 21, 1992

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

\$44.75

NOTICE TO THE PUBLIC
The Zoning Department of Baltimore County, by authority of the Zoning Board and the Zoning Commission, has received a Petition for Special Hearing from the undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve this amendment to the Final Development Plan of McDonogh Township, Section 7B. (SEE ATTACHED)

Case Number: 92-429-SPH
Contract Purchaser/Associates: McDonogh Associates Limited Partnership
General Partner: David E. Gonzales, Inc.
Address: Phoenix, Maryland 21131
City and State: Phoenix, Maryland 21131
Attorney for Petitioner: Jeffrey H. Scherr, Esquire
Address: 6th Floor, 6th Floor
20 South Charles Street, Baltimore, Maryland
Address: 410-752-6030
Phone No.: 410-752-6030
City and State: Baltimore, Maryland 21201

Special Hearing to be held on the 23rd day of June, 1992, at 10:00 A.M., in the Zoning Commission Room, 20th South Charles Street, Baltimore, Maryland 21201.

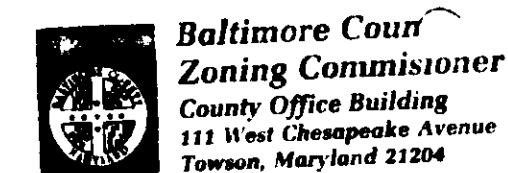
LAWRENCE E. SCHMIDT
Zoning Commissioner
NOTES: PETITIONER TO BE PRESENT AT HEARING. IF NOT PRESENT, PETITION WILL BE DENIED. FOR FURTHER INFORMATION, CALL 887-3391.

5247 May 21.

92-429
SPH

receipt

92-429-SPH



receipt
6/22/92 hearing

Date

92-429

Account: R 001 6150
Number

6/18/92

11/10/92

PURCH TO HEARING FELS

QTY

1.00

080 POSTING SIGNS / ADVERTISING

1.00

1.00

LAST NAME OF OWNER: SIGNET BANK

Please Make Check Payable to Baltimore County \$79.73
BA 0002:25PM06-18-92

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 6/1/92

McDonough Associates Limited Partnership
17 Glenberry Court
Phoenix, Maryland 21131

RE:

CASE NUMBER: 92-429-SPH
Corner of SA/S Belstarwood Road, SE/S Greenspring Valley Road
McDonough Township, Section 7B
3rd Election District - 3rd Councilmanic
Legal Owner(s): Signet Bank, Maryland
Contract Purchaser(s): McDonough Associates Limited Partnership

Dear Petitioner(s):

Please be advised that \$ 79.73 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

cc: Jeffrey H. Scherr, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MAY 15, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-429-SPH
Corner of SA/S Belstarwood Road, SE/S Greenspring Valley Road
McDonough Township, Section 7B
3rd Election District - 3rd Councilmanic
Legal Owner(s): Signet Bank, Maryland
Contract Purchaser(s): McDonough Associates Limited Partnership
HEARING: MONDAY, JUNE 22, 1992 at 11:00 a.m.

Special Hearing to approve the amendment to the Final Development Plan of McDonough Township, Section 7B.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Signet Bank, Maryland
McDonough Associates Limited Partnership
Jeffrey H. Scherr, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 2, 1992

Jeffrey H. Scherr, Esquire
Sun Life Building, 6th Floor
20 South Charles Street
Baltimore, MD 21201

RE: Item No. 456, Case No. 92-429-SPH
Petitioner: Signet Bank, et al
Petition for Special Hearing

Dear Mr. Scherr:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 4th day of May, 1992.

Arnold Jablon
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Signet Bank, et al

Petitioner's Attorney: Jeffrey H. Scherr

92-429-SPH June 22

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: May 20, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - May 11, 1992

The Office of Planning and Zoning has no comments on the following petitions:

McDonough Associates Limited Partnership
McDonough Township Section 7B - [redacted]

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

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Petitns.txt

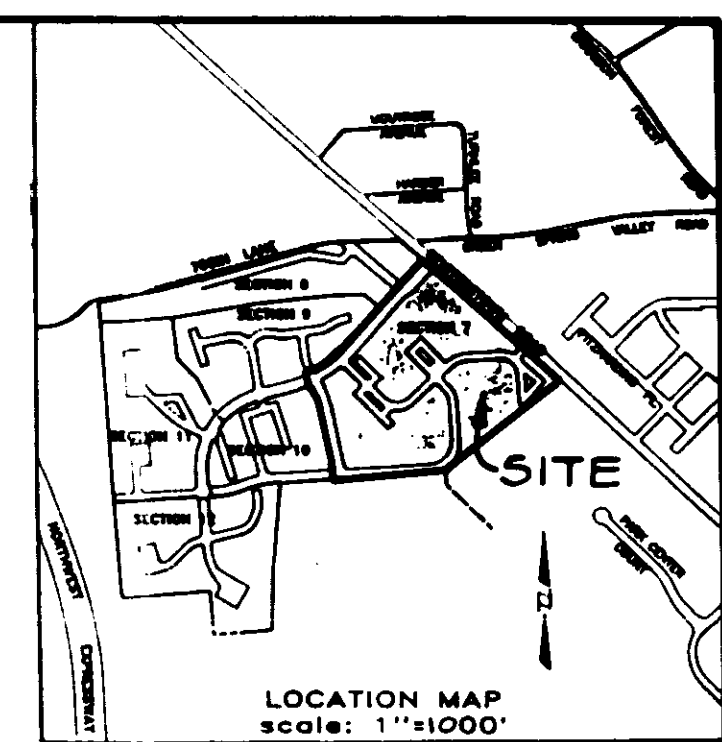
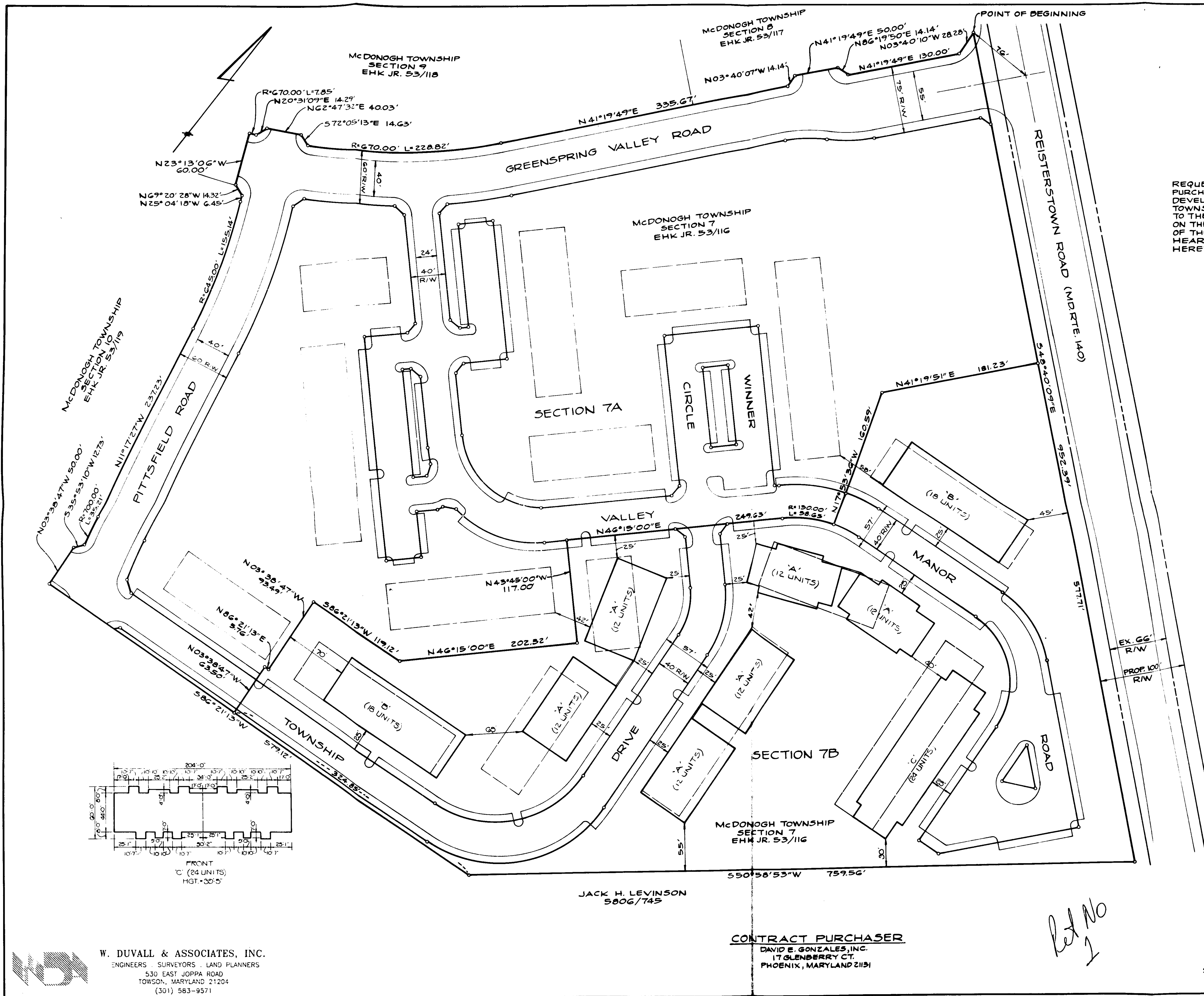
RECEIVED
JUN 2 1992
ZONING OFFICE

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: [signature] Date: 5/18/92

05/18/92

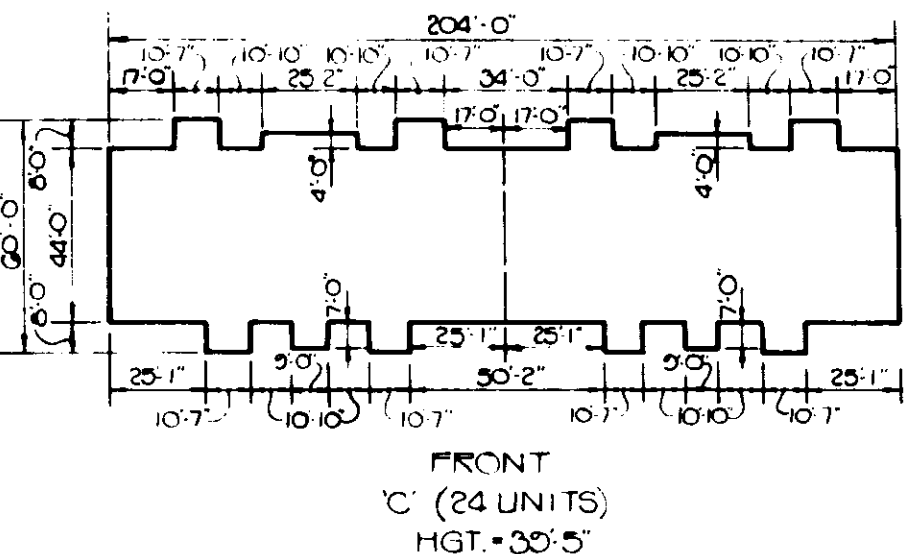
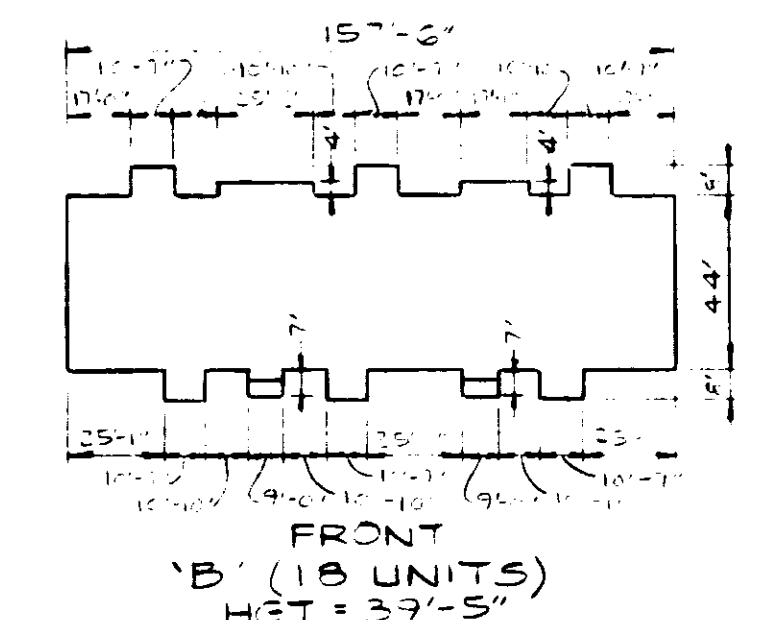
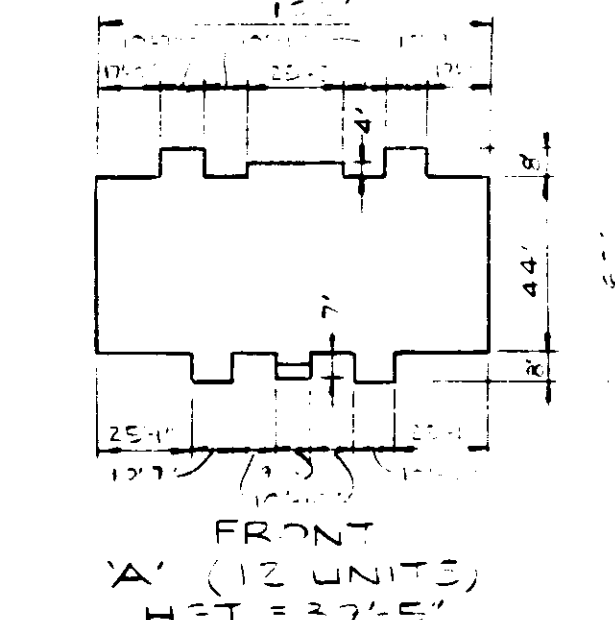
Project Name	Waiver Number	Zoning Issue	Meeting Date
9690 Deereco Road Limited Partnership	450		5-11-92
DED DEPRM RP STP TE			NC
Orville Jones			
DED DEPRM RP STP TE	451		NC
Harbor Realty Partnership			
DED DEPRM RP STP TE	452		NC
Jerald H. And Brenda D. Windes			
DED DEPRM RP STP TE	453		NC
Daniel C. And Susan E. Gutkin			
DED DEPRM RP STP TE	454		NC
Donald And Anne Kahn			
DED DEPRM RP STP TE	455		NC
Signet Bank, Maryland			
DED DEPRM RP STP TE	456		NC
Ronald W. Bair			
DED DEPRM RP STP TE	457		NC
A. Eric And Esther J. Dott			
DED DEPRM RP STP TE	458		NC
William J. And Mary Jane Kramer			
DED DEPRM RP STP TE	459		NC
Douglas B. And Judith A. Celmar			
DED DEPRM RP STP TE	460		NC

COUNT 11



REQUEST FOR SPECIAL HEARING:
PURCHASER'S PROPOSED MODIFICATIONS TO THE FINAL DEVELOPMENT PLAN OF SECTION 7B FOR McDONOUGH TOWNSHIP WHICH WILL RESULT IN MINOR CHANGES TO THE FOOTPRINT OF THE CONDOMINIUM AS SHOWN ON THE EXISTING FINAL DEVELOPMENT PLAN. COPIES OF THE PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING WITH THE CHANGES NOTED ARE ATTACHED HERETO AS EXHIBIT A.

- NOTES:
1. ALL THE PUBLIC UTILITIES TO SERVE THIS SITE ARE PROPOSED.
 2. EXISTING ZONING IS DR 1G.
 3. C.R.G. APPROVAL DATE MARCH 22, 1985.
 4. P.W.A. NO. 3850G.
 5. PARKING REQUIRED = 1.53/UNIT x 250 = 382.5
 6. PARKING PROPOSED = 449
 7. BALTIMORE COUNTY 200 SCALE MAP NW 10-G.
 8. SITE IS NOT IN CHESAPEAKE BAY CRITICAL AREA.
 9. NO PRIOR ZONING CASES FOR THIS SECTION.



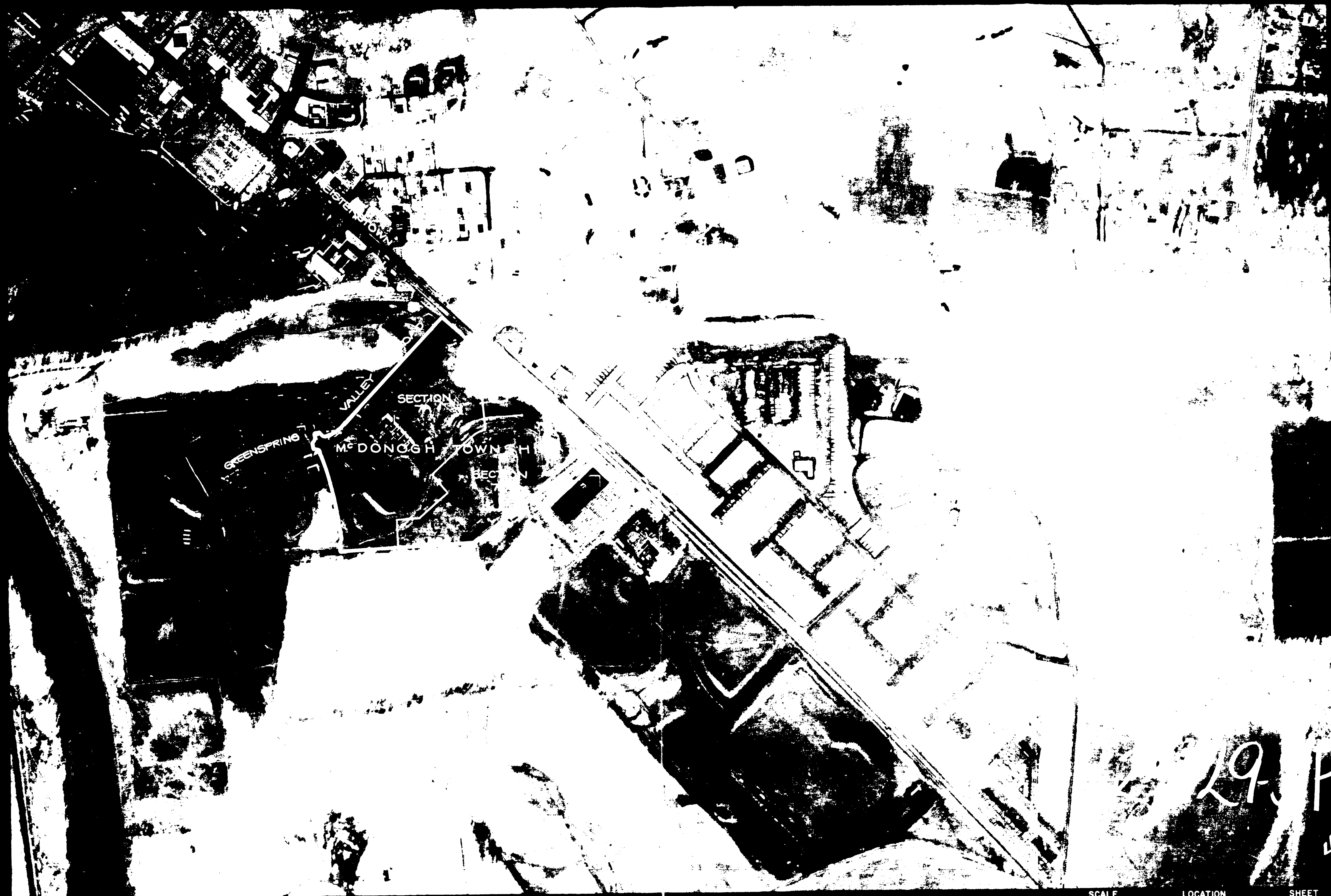
PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING
McDONOUGH TOWNSHIP SECTION 7B
3RD ELECTION DISTRICT COUNCILMANIC DIST. # 3
BALTIMORE COUNTY, MD.
SCALE: 1"=50'
DATE: APRIL 29, 1992
REVISED: MAY 15, 1992

W. DUVALL & ASSOCIATES, INC.
ENGINEERS - SURVEYORS - LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
(301) 583-9571

CONTRACT PURCHASER
DAVID E. GONZALES, INC.
17 GLENBERRY CT.
PHOENIX, MARYLAND 21131

JACK H. LEVINSON
5806/745

Ref No
1



29 PH
456

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	GARRISON	NW
DATE OF PHOTOGRAPHY JANUARY 1986	CHATTOLANEE	10-G
MICROFILMED		